

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

**LISA NOBLES, Individually and on behalf)
of a class of others similarly situated,)**

Plaintiff,)

vs.)

**STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)**

Defendant.)

Case No. 10-04175-CV-C-NKL

**DEFENDANT’S MOTION FOR PARTIAL RECONSIDERATION OF ORDER
(Doc. 128) REGARDING MISSOURI STATE LAW STATUTE OF LIMITATIONS,
DATA PRODUCTION REGARDING PUTATIVE PLAINTIFFS
AND APPROVAL OF NOTICES**

Defendant State Farm Mutual Automobile Insurance Company (“SFMAIC”) respectfully moves this Court for its Order reconsidering, amending or modifying its August 25, 2011 Order (the “August 25th Order”) certifying two state law class actions and conditionally certifying a nationwide collective action under the Fair Labor Standards Act (the “FLSA”), 29 U.S.C. § 201, *et seq.*, with respect to (i) the appropriate statute of limitations regarding Plaintiffs’ Missouri class, (ii) the information SFMAIC has been ordered to produce regarding *nearly 25,000 putative plaintiffs* and the manner in which it is produced, and (iii) approval of the Plaintiffs’ proposed class and collective action notices.¹ In further support of its Motion, SFMAIC is contemporaneously filing its Suggestions in Support of its Motion for Partial Reconsideration, the arguments and authorities in which SFMAIC expressly incorporates and references herein.

¹ SFMAIC’s request for reconsideration of the August 25th Order does not indicate its concession to the propriety of the Order. SFMAIC concurrently seeks appellate review of the August 25th Order. Likewise, SFMAIC has moved to stay these proceedings pending the outcome of (i) this motion and (ii) SFMAIC’s Petition for Review and any subsequent appeal.

For the reasons more fully set forth in its Suggestions in Support, SFMAIC respectfully requests that the Court amend or modify its August 25th Order by (i) eliminating the requirement that SFMAIC produce phone numbers, last four social security number digits, and e-mail address for potential plaintiffs, (ii) limiting the distribution of notice to the use of regular mail; (iii) directing SFMAIC to produce data about potential plaintiffs solely to a TPA that the parties should be directed to agree upon and for which SFMAIC will bear the reasonable cost; (iv) requiring the parties to meet and confer about, and jointly submit revised proposed notices; and (iv) clarifying that the statute of limitations applicable to Plaintiffs' Missouri state law claims is two years.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 8th day of September, 2011, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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